

August 22, 2013 Planning Commission Agenda Comments

Comments by: Jim Mosher (jimmosher@yahoo.com), 2210 Private Road, Newport Beach 92660 (949-548-6229). ~~strikeout~~ underline format is used to suggest changes to the passages quoted in *italics*

Item No. 1 Minutes of August 8, 2013

I did not detect any typos.

Item No. 3 Uptown Newport MS DR (PA2013-129)

1. Since I don't see it mentioned in the staff report or proposed Resolution of Approval, I think the Commission should be made aware that since they last reviewed this project, changes were made to the parcel map at a Zoning Administrator hearing originally scheduled for the June 13, 2013 session (main staff report), but continued to June 27 (supplementary staff report).
 - a. At the latter hearing, the property was subdivided into four parcels in way that seemed inconsistent, at least to me, with the previously-approved Phasing Plan.
 - b. In particular, the northernmost street providing access to Jamboree was made part of the Phase 2 parcels, even though I thought the Commission regarded the maintenance of that access as critical to the Phase 1 development.
 - c. The developer assured the Zoning Administrator that this was just some kind of intermediate paperwork, and I don't know how it affects the present MS DR request, but the Commission may want further information.
2. Regarding the draft Resolution of Approval, the following minor typos are noted:
 - a. Page 3 (handwritten 19), first line: "*There are no additional reasonable ~~alternative~~ alternatives or mitigation measures that should be considered in conjunction with the MS DR application or its implementation.*"
 - b. Page 4 (handwritten 20):
 - i. First line: "*The MS DR application includes ~~Phases~~ Phase 1 and 2 development plans ...*"
 - ii. End of second line of C1: is "*legible*" the correct/intended word?
 - iii. Third line of C1: "*Sheets A1-A8 of the Phase 1 plan set ...*"
 - c. Page 6 (handwritten 22), I don't know if the Zoning Administrator approved actions affect the legal description, but there now seem to be four lots rather than two.
3. On handwritten page 25, I would note that what are presumably the plans described in the printed staff report as "*Available for inspection*" at the City Hall are actually included in the electronic staff report (PDF pages 24-75). It would have seemed useful to provide a reference to this in the printed version so those reading the 25 page printed report didn't think they had to visit City Hall in person to see the proposed designs.
4. I would also like to note that the City maintains a "Current Projects & Issues" page informing the public about the status of the Uptown Newport Project, and it has not been updated to mention the most recent public meetings at which comment was invited, including the present one.

Item No. 4 Lido Villas (PA2012-146)

1. I am pleased to see (under “Additional Materials Received” on the [meeting page](#)) that the project architect is asking for a continuance of this hearing to September 5, since I, too, have not had time to adequately review the large volume of material related to this project, and noticed a number of typographical errors, inconsistencies and questionable statements in the part I did review.
2. At this point, although it may seem a small point, I am particularly concerned about the statements regarding the circulation period for the Mitigated Negative Declaration (page 22 of the staff report, and Section 2.2 of the proposed Resolution of Approval).
 - a. Although the unofficial Planning [Case Log](#) says (under the 07/15/2013 entry) “REVIEW PERIOD ENDS AUGUST 14, 2013,” and although the staff report and resolution say the review period ended August 13, as far as I know the public never saw anything other than a statement that comments had to be received by 5:00 pm on Monday, August 12. That was, and remains, the due date shown on the [Notice of Intent](#) (both on-line and enclosed with the MND copies in the City libraries), as well as the due date announced in the initial City “News Splash” which, to the best of my knowledge, was never revised.
 - b. I am particularly sensitive to the lack of any public notification of an extension to August 13 (or 14??), if that occurred, since written comments on the August 13 City Council agenda items were also due at 5:00 pm on August 12, and I had to choose between one or the other. Had I known of the extension, I might well have submitted comments on August 13 (or 14??).
 - c. I am also concerned about whether the Office of Planning and Research comment period was legally required to run 30 days. If so, and if it started on July 15 as the staff report says, then the August 13 end date cited in the staff report and resolution would be one day short, since the start date is not counted under California law. For a full 30 day review, an August 14 end date would have been required as indicated in the Case Log, but apparently nowhere else. The public may have been given a due date two days short of the true one.
3. My other primary concern at this point is whether the 35-foot Shoreline Height Limitation has become a flexible guideline, as the staff report and resolution suggest it has. Obviously Coastal Commission staff believes the Coastal Commission understood it to be a hard and definite limit.